

REMARKS/ARGUMENTS

Applicants amended the specification to replace a reference to a client docket number with the application serial number.

1. The Claims are Directed to Statutory Subject Matter

The Examiner rejected claims 1-40 under 35 U.S.C. §101 as directed to non-statutory subject matter. In particular, the Examiner found that the method steps are not tangibly embodied, the system claims lack target utilities, and article of manufacture claims include data structure without a functional object. (Office Action, pg. 3) Applicants traverse for the following reasons.

Applicants amended claim 1 to clarify that the asset classes are defined in a “computer readable” digital library. According to the Manual of Patent Examination and Procedure (MPEP), “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” MPEP, Sec. 2106, pg. 2100-13 (8th Ed., Rev May 2004).

Applicants submit that amended claim 1 is “tangibly embodied” because the defined asset classes and generated asset object data structures are in a computer readable medium, and thus structurally and functional interrelated to the medium.

The Examiner further questioned the utility of a digital library. (Office Action, pg. 3) Applicants submit that a digital library provides utility by storing information of particular use and importance. In fact, an entire segment of the software industry is devoted to developing and marketing improved and useful ways to implement digital libraries and database. Accordingly, Applicants submit that a “digital library” has known utility as a system for storing data in a structured and readily accessible and searchable format.

The Examiner found that the system claims lack utility. (Office Action, pg. 2)

According to the MPEP,

“functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.”)

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

MPEP, pgs. 2106-11 to 2106-12.

The system claim 15 is directed to “functional descriptive material” because it is directed to data structures in a digital library (i.e., the asset, asset attribute, object type, asset object instance, information on the asset object instance) and a computer program (i.e., the “means” operations to define asset classes and attributes and generate asset object instances and information in the asset object instances). Under this MPEP definition, the claimed “functional descriptive material” is structurally and functionally interrelated, and hence statutory, because the functional descriptive material (i.e., asset classes, attributes, attribute object type, asset object instances, information on the asset object instances) is recorded in a digital library, which is a computer readable medium.

Applicants further submit that the article of manufacture does include data structure with a functional object. The functional object comprises providing a digital library data structure that allows for generating asset object instances for each object class and information in the asset object instances on file locations of attribute objects providing the attributes for the generated asset object instance.

Further, as discussed, according to the MPEP, the article of manufacture claim 23 provides “functional descriptive material” because the article of manufacture defines and generates data structures (asset classes, attributes, attribute object type, asset object instances, information on the asset object instances) on a computer readable medium, i.e., the digital library.

Accordingly, Applicants request that the non-statutory subject matter rejection (35 U.S.C. §101) be withdrawn because the claims are directed to “functional descriptive material” recorded on a computer readable medium comprising the digital library.

2. The Claims Comply with the Definiteness Requirement

The Examiner rejected claims 1-40 as indefinite (35 U.S.C. §112, par. 2). Applicants traverse.

The Examiner found that independent claims 1, 15, 23, and 32 were indefinite because it was unclear what “type” the “attribute object type” refers. Applicants traverse because the claims require “defining attributes for each asset class to have an attribute object type”. Thus, the “attribute object type” comprises a “type” of the “attribute”. Further, the claims require that the “attribute object type” is defined to indicate one of “a plurality of different data structure formats”. Thus, the attribute object type comprises one of a plurality of data structure formats.

The Examiner further found that it was unclear what is the link between the claimed “structured formats” and “separate application programs”, i.e., how the application program knows which structured formats are searchable or not. (Office Action, pg. 3) Applicants submit that the “application program” itself does not “know” “which structured formats are searchable. Instead, the claims require that the “attribute object type” indicates a “data structure format” that is searched by an “application program”. Thus, according to the claims, the “application programs” themselves do not know which structure formats are searchable, as the Examiner suggests, but instead, the “attribute object type” indicates a “data structure format” that itself is searchable by an “application program”.

The Examiner further questioned what was the purpose to search these structure formats. Applicants amended claims 1, 15, 23, and 32 to add a claim requirement indicating the purpose of using the application programs to search when querying the asset object instances.

The Examiner further questioned the utility of a digital library. (Office Action, pg. 3) Applicants submit that a digital library provides utility by storing information of particular use and importance. In fact, an entire segment of the software industry is devoted to developing and marketing improved and useful ways to store digital data that is readily accessible. Accordingly, Applicants submit that a “digital library” has known utility.

The Examiner rejected claims 3, 17, 25, and 34 as indefinite. Applicants amended these claims to clarify the language by specifying that the object types include a database object type and a text file type, wherein one asset class has at least one attribute having the text attribute type and one attribute having the database object type. Applicants submits that this amendment overcomes the indefiniteness rejection.

Applicants canceled claims 5, 27, and 36, thereby overcoming the rejection to these claims

The Examiner found that claim 7 is unclear and indefinite.

Amended claims 7, 19, 28, and 37 now recite that one attribute object type comprises a relationship attribute type indicating that the attribute object comprises a relationship attribute object defining an association of a first and second asset types of a first and second asset classes, wherein each asset class has an asset type.

Applicants amended claims 7, 19, 28, and 37 to clarify certain terms and the relationship with the base claims and other claims, including relating the asset types to the asset classes. Applicants further changed "attribute value type" to "attribute object type" to clarify the relationship with the base claims. Applicants submit that these amendments overcome the indefiniteness rejection with respect to these claims.

The Examiner found that claim 9 fails to point out which units of the claimed row and column contains which type and identifier. Applicants amended claim 9 to overcome this rejection.

Amended claim 9 recites that the relationship attribute object comprises a database table, wherein a first column in the database table is for unique identifiers of instances of the first asset type and a second column in the database table is for unique identifiers of instances of the second asset type, wherein the unique identifier in the first column of one row in the database table identifies one instance of the first asset type that is associated with one instance of the second asset type identified by the unique identifier in the second column of the row.

Applicants amended claim 9 to clarify that the unique identifier in the first column of one row identifies one instance of the first asset type that is associated with one instance of the second asset type identified in the second column of that row. Applicants submits that this amendment overcomes the Examiner's indefiniteness rejection of claim 9.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-40 comply with 35 U.S.C. §§101, 112, par. 2 and are now in condition for allowance. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

Amdt. dated November 1, 2004
Reply to Office action of July 30, 2004

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The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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